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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

JAN 31 2005

In re Application of:
Konstantinos Manetakis
Serial No.: 09/943,888
Filed: August 30, 2001
Attorney Docket No.: 010186

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is a decision on the "REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT . . . UNDER MPEP 711.03" filed October 20, 2003. It is being treated as a petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181. There is no fee for this petition.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on August 7, 2003 holding the application to be abandoned for failure to file a proper response to the Office action mailed on January 28, 2003 (Office action was actually mailed on January 23, 2003).

Petitioner asserts that a response to the Office action was timely filed on May 27, 2003. To support this assertion, petitioner has submitted a copy of the response and a copy of a stamped return postcard. The postcard identifies receipt on May 27, 2003 of a amendment transmittal letter; an amendment in three pages; and Information Disclosure Statement (IDS); Two References; and a PTO-1449 form. The original three page response (no actual amendment) and amendment transmittal letter have just been matched with the file. Thus, it is apparent that there was no abandonment in fact.

The Notice of Abandonment mailed on August 7, 2003 is hereby **VACATED** and the holding of abandonment is withdrawn.

The amendment transmittal letter included a request (i.e., petition) for an extension of time. Although the specific number of months was not identified on the transmittal letter, the authorization to charge the given Deposit Account the amount of \$110.00, the Certificate of Mailing dated May 23, 2003 on the response and the specific mention of a one month extension of time within the response, clearly indicated that a one month extension of time was being requested.

A review of the file record, indicates a number of errors. As noted above, the original three page

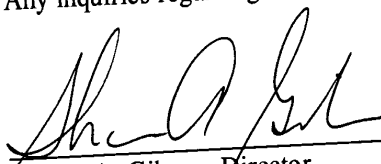
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response and amendment transmittal letter were just matched with the file. However, the original IDS, PTO-1449 form and the two references still have not been matched with the paper file. Office records indicate that the \$110.00 fee for the one month extension of time was charged to the correct Deposit Account but was associated with application S.N. 09/934,888 instead of 09/943,888. Although PALM (Patent Application Location and Monitoring System) indicates that the IDS filed May 27, 2003 was also associated with application S.N. 09/934,888, the IDS is not presently in that application file. Luckily, the mistake was realized and the original IDS, PTO-1449 form, and most importantly, the two references (i.e., publications) were taken from S.N. 09/934,88 and associated with a partial IFW (Image File Wrapper) version of the present paper application file (i.e., S.N. 09/943,888) on November 29, 2004.

The original IDS, PTO-1449 form, and the two publications will be printed out from the partial IFW version and placed into the present paper application for use by the examiner. The application will then be forwarded to the Technical Support Staff for processing of the response and for updating the status of the application. The \$110.00 fee for the one month extension of time will be disassociated from application S.N. 09/934,888 and associated with the present application. Finally, the application will be forwarded to the examiner for appropriate action in due course.

Any inconvenience due to the abandonment of the application and to the length of time between the filing of the petition and the preparation of this decision is greatly regretted. The application was temporarily misplaced during the conversion of paper files into IFW files.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.



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